

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LI JIA, et al,)	
)	
Plaintiffs,)	8:06cv737
)	
vs.)	MEMORANDUM AND ORDER
)	
UNITED STATES CITIZENSHIP AND)	
IMMIGRATION SERVICES, et al,)	
)	
Defendants.)	

This matter is before the court on filing no. 14, the Motion for Extension of Time filed by the defendants; and filing no. 15, the Objection to Motion for Extension of Time filed by the plaintiffs. The plaintiffs, Li Jia and Bin Shuai, have sued federal officials, i.e., F. Gerard Heinauer, Emilio T. Gonzalez, Michael Chertoff, Alberto Gonzales, Robert S. Mueller, III, allegedly responsible for an excessive delay in processing a background check of the plaintiffs' names in connection with the plaintiffs' applications for permanent resident visas. Processing which usually takes less than three months has now exceeded three years. The defendants have apparently admitted losing the plaintiffs' applications at least once. The defendants, in particular FBI officials under the leadership of Mr. Mueller, have refused to answer the plaintiffs' inquiries or otherwise account for the delay.

The Federal Rules of Civil Procedure grant the United States, its agencies and officers triple the time afforded other litigants to answer or otherwise respond to a complaint. See Fed. R. Civ. P. 12(a)(1), (3)(A),(B) (defendant shall answer within 20 days; U.S. shall have 60 days). In addition, this court has already granted the defendants one extension of time to answer or otherwise respond to the complaint (filing no. 12). The

defendants have not set forth a compelling basis for additional delay. In fact, the subject matter of this case is excessive delay, and the plaintiffs reasonably resist additional delay. I find that the defendants should be able to answer or otherwise respond to the complaint by no later than April 10, 2007.

THEREFORE, IT IS ORDERED:

1. That filing no. 14, the defendants' Motion for Extension of Time, is granted in part and denied in part;
2. That filing no. 15, the plaintiffs' Objection to Motion for Extension of Time, is granted in part and denied in part; and
3. That the defendants shall answer or otherwise respond to the plaintiffs' complaint by no later than April 10, 2007.

DATED this 2nd day of April, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
Chief District Judge